

CONSERVATION COMMISSION  
LOWELL, MASSACHUSETTS  
**October 27, 2021**

**Note:** These minutes are not completed verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at [www.LTC.org](http://www.LTC.org).

**Due to the COVID-19 pandemic, this meeting was held both in person and virtually using Zoom.**

**Members Present:** Louisa Varnum, Brad Buitenhuys, William Lovely (Zoom), Perry Downs, Kevin Dillon (Zoom), Weston Standish (Zoom), Stephen Laput

**Members Absent:** None

**Others Present:** Fran Cigliano, Senior Planner

**CALL TO ORDER**

Meeting called to order at 7:01 PM

**ORDER OF BUSINESS**

**NEW BUSINESS**

**CONTINUED BUSINESS**

**Notice of Intent**

Chantho Mo  
138 Martin Street  
Lowell, MA 01854

Project Location: 138 Martin Street 01854

The applicant is seeking to construct an addition to a single-family home within the 100 year floodplain. The applicant has proposed to demolish an existing addition at the rear of the property and construct a larger addition. **The applicant has requested to withdraw their application without prejudice.**

**On Behalf:**

None

**Speaking in Favor:**

None

**Speaking in Opposition:**

None

**Discussion:**

None

Motion:

P. Downs motioned to allow the applicant to withdraw their application without prejudice. S. Laput seconded the motion and it passed unanimously, (6-0).

**Enforcement Order**

Westminster Preservation LP  
60 Columbus Circle  
New York, NY 10023

Violation Location: 1276 Pawtucket Boulevard, 01854

The violator engaged in brush and soil removal along the bank of the Merrimack River in order to create their own beach. They are also storing a floating dock, a chair, and a kayak along the river.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum explained that this is a riverbank violation that caused a great deal of erosion. Caused by an unknown person. They have remediated the violation a second time. It is a difficult location with a steep steep bank. She is satisfied with what they have tried to do. Doesn't see a reason to keep the violation open. It will be spring before we see results. W. Standish and W. Lovely concurred with L. Varnum's comments.

Motion:

W. Standish motioned to rescind the EO, seconded by P. Downs. The motion passed unanimously, (6-0).

**Request for Determination of Applicability**

Sovann Kong  
51-57 Shirley Avenue  
Lowell, MA 01854

Project Location: 51-57 Shirley Avenue, 01854

A Request for Determination of Applicability has been filed by Sovann Kong to remove brush. The proposed work will take place within the 100-year Floodplain.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that this is a sensitive site. The Commission is unsure of the legality since we have an outstanding denial at this same location. F. Cigliano confirmed that we are still waiting for Law to issue an opinion.

Motion:

W. Lovely motioned to continue to the 1/11 meeting, seconded by K. Dillon. The motion passed unanimously, (6-0).

**Request for Determination of Applicability**

MS Red Realty  
401 Broadway Road  
Dracut, MA 01826

Project Location: 81 Old Ferry Road, 01854

A Request for Determination of Applicability has been filed by MS Red Realty to remove existing pavement and replace with new pavement to grade. The proposed work will take place within the 100-year flood plain.

On Behalf:

Matt Hamor, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked whether any additional area would be paved. M. Hamor confirmed no. M. Hamor confirmed that they are taking out the existing asphalt and replacing. L. Varnum, P. Downs, and W. Lovely commented that they do not see any issues with the proposal.

Motion:

W. Lovely motioned and K. Dillon seconded the motion to issue a Negative III Determination. The motion passed unanimously, (6-0).

**NEW BUSINESS**

**Request for Determination of Applicability**

City of Lowell  
375 Merrimack Street  
Lowell, MA 01851

Project Location: 7 Chambers Street 01852

RDA to remove a dead tree within the 100-ft buffer zone to Meadow Brook.

On Behalf:

Sandy Swaile, Design Planner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

S. Swaile said that they would like to take down a dead tree. L. Varnum asked if the stump will remain. S. Swaile said yes. L. Varnum commented that the roots will help hold the bank together and stabilize the slope.

Motion:

P. Downs motioned to issue a Negative III Determination. W. Lovely seconded the motion and it passed unanimously, (6-0).

**Request for Determination of Applicability**

Lowell National Historic Park

67 Kirk Street

Lowell, MA 01852

Project Location: 91 Pevey Street 01851

The applicant is seeking permission to engage in soil boring along the Upper Pawtucket Canal Walkway.

On Behalf:

David Lieb, National Park Service – Historic Architect

Gordon Edington, VHB

Mike Ciance, Terracon

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked the applicant to confirm how close to the canal wall the test pits would be drilled. M. Ciance said within 20 ft. of the canal wall. W. Lovely asked about a contingency plan in the event that they discover contaminated material. M. Ciance said that they are aware this is possible and that they do have a plan in place.

Motion:

B. Buitenhuys motioned to issue a Negative III Determination. The motion was seconded by P. Downs and passed unanimously, (7-0).

**Request for Determination of Applicability**

Boys and Girls Club of Greater Lowell

647-679 Middlesex Street  
Lowell, MA 01851

Project Location: 647-679 Middlesex Street 01851 (Boys and Girls Club of Greater Lowell)

The applicant is seeking to construct an addition within the 100-ft. Buffer Zone to the Pawtucket Canal.

On Behalf:

Joe Hungler, Boys and Girls Club  
Cassandra Koutalidis, Applicant's Engineer  
Rich Feldman, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varum commented that she loves that they are making a garden where a parking lot once was. They are adding pervious surfaces and plants. They have a fairly complicated drainage situation. C. Koutalidis expanded on the stormwater system and said that they had been working closely with Mike Stuer from the Lowell Regional Wastewater Utility.

W. Standish said that he feels like an NOI would be more appropriate for this project than an RDA. W. Lovely said that he feels that the work doesn't feel significant enough to warrant an NOI application. C. Koutalidis said that they would be happy to attach special conditions to a DOA.

W. Lovely said that the resource they are protecting is already somewhat altered by manmade activities. Stuff can get into the canal – they want to make sure that the work that is done does not impact the resource. The applicant is not proposing work directly over the canal. He feels like, in this case, the proposal is better than current conditions since they are proposing to reduce paving and improve natural landscaping. He is open to the applicant's suggestion of specifying conditions under the Negative III Determination. W. Standish added that the applicant has already done the work for an NOI; he just wants the work to be reviewed by MassDEP.

R. Feldman added that they will be installing erosion controls. He would appreciate working with the Commission. Their budget is challenging as a non-profit. B. Buitenhuys agrees that the filing should be reviewed as an RDA. P. Down said that since this is an improvement from current conditions, it could be reviewed as an RDA. L. Varum commented that it is not a hard site to keep an eye on.

W. Lovely asked what to include as special conditions. L. Varum said no stockpiling of loose materials on site – anything loose that could blow or wash away and get into the canal or slope. W. Lovely and B. Buitenhuys suggested a 50 ft. setback for stockpiling of materials.

Motion:

W. Lovely motioned to issue a Negative III Determination with the following conditions:

- 1) Adopt Standard Lowell Order of Conditions

2) Any stockpiling of material in connection with the project shall be stored at least 50 ft. from the canal wall so as to avoid erosion into the canal.

B. Buitenhuys seconded the motion and it passed (6-1) with W. Standish voting in opposition.

**Request for Determination of Applicability**

Gervais Lincoln  
24 Reiss Avenue  
Lowell, MA 01851

Project Location: 24 Reiss Ave Lowell, MA 01851

The applicant is seeking to construct a 4,081 square foot addition to the existing car dealership and to restripe the existing paved parking area. The proposed work is approximately 75 feet from the nearest point of the wetland. The applicant notes that the wetland may actually be a drainage channel rather than a protected wetland.

On Behalf:

Brian Milisci, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum commented that this is a fairly low impact project. She does not have a lot of concerns. W. Standish said he had no concerns.

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to issue a Negative III Determination. The motion passed unanimously, (7-0).

**Notice of Intent**

Duggan & Sons Construction  
572 Boston Road Unit 26  
Billerica MA 01821  
DEP #206-0808

Project Location: 733 Rogers Street 01852

The applicant is seeking to replace a parking lot and install a new stormwater detention system at 733 Rogers Street. The detention system and parking lot would be within the 100-ft buffer zone to an adjacent wetland. DEP #206-0808.

On Behalf:

Bill Hall, Civil Design Consultants

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that she was around the last time this parking lot was paved. Very unusual paving scheme. There are large areas of pervious pavers. The reason for these pervious pavers is that this was originally an expansion of the parking area. This is adjacent to a very sensitive small wetland area. It is sensitive for the entire neighborhood. The flow goes to the northeast, goes under Rogers Street and heads toward Cawley Stadium, and then connects to the wetlands over there. IT is extremely sensitive and prone to flooding. I remember this project taking many meetings. The entire parking area would be sheet flowing into a tiny piece of stream bed. I don't see the Commission letting that happen. I would suggest the pavers need a bit of repair. They have been doing their job. I am concerned about the edges being dug up. It appears snow might have been being plowed into the wetland. I am also concerned about the high water table. This is a flooding concern for not just this property but for the entire neighborhood.

B. Hall said that the pavers do get beat up, especially where the pavers meet the pavement, from plowing. He knows that it is the preference of the applicant to go away from the pavers. Maybe they could look at an alternative design to pavers.

L. Varnum said that most of the pavers are in better shape than the asphalt.

W. Lovely asked what the current recharge of the pervious paver area is. B. Hall said he is unsure since they did not do the original design. W. Lovely said it would be helpful to know how much stormwater management is being addressed through the existing system. W. Lovely asked whether there is enough separation between the bottom of the new infiltration system and the water table.

B. Buitenhuis said that it sounds like they need more information. They need boring information. W. Lovely agrees and suggests a continuance. L. Varnum would like to see the applicant clean up around the wetland border as well, as some of the pavers got pushed down there. She would also like to know alternatives for snow storage. The Commission does not allow snow to be pushed into resource areas, even canals, and it appears from the condition of the pavers and the fact that pavers are located down slope that snow is routinely stored there.

B. Buitenhuis suggested installing granite borders along the edges of the pavers to provide a solid lip. L. Varnum said she would be interested in a proposal to install pavers across the entire parking area.

Motion:

W. Lovely motioned to continue the petition to the 11/10 Conservation Commission meeting to give the applicant time to provide the following additional information to the Commission:

1. Confirm the recharge and storage capacity of the current pavers (infiltration);
2. Confirm that 4 ft. of separation between the infiltration system and historic water table elevation is sufficient to account for seasonal water table fluctuations;
3. Demarcate the preferred snow storage location; and
4. Propose stabilization of the edge of paver areas so that they do not continue to degrade over time due to snow plows, etc.

The motion was seconded by P. Downs and passed unanimously, (7-0).

## **OTHER BUSINESS**

### **Minutes**

#### **9/22 Meeting Minutes**

W. Lovely motioned to approve the minutes with revisions. B. Buitenhuys seconded the motion and it passed unanimously, (6-0).

#### **10/13/2021 Meeting Minutes**

#### **10/13/2021 Executive Session Meeting Minutes**

B. Buitenhuys motioned and P. Downs seconded the motion to approve both sets of minutes from 10/13/2021. The motion passed unanimously, (6-0).

### **Approve Proposed 2022 Conservation Commission Schedule**

B. Buitenhuys motioned and P. Downs seconded the motion to approve the proposed 2022 schedule. The motion passed unanimously, (7-0).

## **ADJOURNMENT**